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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY  
and TURTLE ISLAND RESTORATION  
NETWORK,  
Plaintiffs,  
v.  
DIRK KEMPTHORNE, Secretary of the  
United States Department of the Interior, and  
the UNITED STATES FISH AND  
WILDLIFE SERVICE,  
Defendants.

No. C 07-5109 PJH

**STIPULATION AND PROPOSED  
ORDER CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE**

Pursuant to Civil L.R. 6-2 and 7-12, this Stipulation is entered into by and between Plaintiffs, Center for Biological Diversity and Turtle Island Restoration Network, and Defendants, Dirk Kempthorne, Secretary of the United States Department of the Interior, and H. Dale Hall, Director of the United States Fish and Wildlife Service.

WHEREAS, on October 4, 2007, Plaintiffs filed a Complaint for Declaratory and Injunctive Relief pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the Marine Mammal

1 Protection Act, 16 U.S.C. §§ 1361-1421h;

2 WHEREAS, the Initial Case Management Conference in this matter is currently set for  
3 February 14, 2008, at 2:30 p.m.;

4 WHEREAS, continuing discussions between the Parties as to settlement of this litigation  
5 have proven productive;

6 WHEREAS, the Initial Case Management Conference has previously been continued, on  
7 stipulation, for one 30-day period;

8 NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

- 9 1. A further 30-day continuance of the Initial Case Management Conference is necessary to  
10 allow sufficient time for the settlement discussions to continue.
- 11 2. The Initial Case Management Conference shall be continued to March 20, 2008, at 2:30 p.m.

12 Dated: February 4, 2008

13 Respectfully Submitted,

14  
15 */s/ Miyoko Sakashita*  
16 Miyoko Sakashita  
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26 */s/ Lawson E. Fite*  
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6 Attorneys for Defendants  
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL  
DIVERSITY,  
Plaintiff,  
v.  
DIRK KEMPTHORNE, et al.,  
Defendants.

No. C 07-05109 PJH

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 4, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ *Lawson E. Fite*